

CP04-076

PRELIMINARY INFORMATION DOCUMENT
AND SUMMARY

Due: 9-15-04

EL PASO POLICE DEPARTMENT
PRELIMINARY INFORMATION DOCUMENT

Admin. Case Number

C04076

Location of Incident: 9011 Escobar	Date/Time of Incident: 3/19/04 @1430 hrs.	
Complainant: Sgt. R. Menchaca	Address: 9011 Escobar	Phone: (915)872-3600
Noted on Supervisor's Log By/Date: Sgt. R. Menchaca #1322 3/19/04	PID Initiation Approved By/Date: Lt. Balderrama 3/19/04	
EMPLOYEE(S) INVOLVED	ID#:	
1. Officer Martina Goroeoff	1817	
2.		
3.		
EMPLOYEE WITNESS(ES):		
1 Sgt. S. Perez	988	
2.		

BRIEF EXPLANATION OF EVENTS:

Allegation against officer by complainant for possible violation of departmental rules and regulation.

SIGNATURES:

Supervisor Initiating Report: R. Menchaca #1322	Rank/Position: Sergeant	Date/time: 3/19/04 @ 1700 hrs.
Shift/Section Commander: 2 nd / Lt. Serna #477	Recommendation: <i>Forward to Commander</i>	
Division Commander: Lt. E. Balderrama #757	Recommendation: <i>Forward IAD</i>	
Bureau Commander:	Recommendation:	
FINAL DISPOSITION:		
1. <i>Allegation</i> Sustained - 5/15/04		
2. <i>A/DC</i> Sustained on both issues. 5/10/04		
3. <i>ALL</i> 5/10/04 SUSTAINED BOTH ISSUES 2 DAYS SUSPENSION		
Signature of Employee: <i>[Signature]</i>	Date/Time: 06/25/04 10:50am	

Case No. : CP04-076

**CASE SUMMARY REPORT
El Paso Police Department
Internal Affairs Division**

**Allegation: 1
Complainant: Sgt. Menchaca
Address: MVRCC
Phone: 872-3600**

I. INTRODUCTION

**Date of Incident: 03-19-04
Date Reported: 03-19-04
Date Received in IAD: 03-23-04**

On 03-19-04 Sgt. Menchaca met with Officer Goroeoff to address a complaint made by a citizen against her. During this meeting it is alleged that Officer Goroeoff stated she was tired of all the "bullshit complaints" made against her and then made the comment that she believed a possible solution to reduce future allegations against her would be to "get a fucking shotgun and blow someone's head off."

THE ADMINISTRATIVE INVESTIGATION REVEALED THE FOLLOWING:

Issue #1

It is alleged that Officer Goroeoff used unprofessional language while meeting with Sgt. Menchaca reference a citizen's complaint made against her.

Sgt. Perez overheard the conversation between Sgt. Menchaca and Officer Goroeoff. Sgt. Perez stated she heard Officer Goroeoff raise her voice and use foul language when asked to address a complaint made against her. Sgt. Perez stated she heard Officer Goroeoff use the word "fucking" on several occasions.

Issue #2

It is also alleged that Officer Goroeoff made an unprofessional statement, to Sgt. Menchaca when asked for a possible solution to the complaints made against her. The statement allegedly made by Officer Goroeoff was that she would "get a fucking shotgun and blow someone's fucking head off!"

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Officer Goroeoff stated she accepted responsibility for her statement but did not agree with the amount of discipline (8 hour suspension). Officer Goroeoff stated she was merely venting and the statement was uttered in the heat of the moment. Officer Goroeoff stated she never thought that her statement, which was made out of frustration, would have ever been taken seriously, as she does not have a history of violence or use of force complaints.

Officer Goroeoff was sent to Stress Management on the day of the incident. Officer Goroeoff completed her sessions with Integrity Employee Assistance on 04-29-04. (Copy of Follow-up letter faxed from Integrity Employee Assistance to Internal Affairs is attached)

II. ISSUES:

Did Officer Goroeoff violate department policies and procedures by:

1. Using unprofessional language during a conversation with Sgt. Menchaca?
2. Conducting herself in an unprofessional manner when suggesting a possible solution to future allegations against her would be to, "get a fucking shotgun and blow someone's fucking head off!"

III. DEPARTMENTAL POLICIES & PROCEDURES:

As such, it is alleged that Officer Goroeoff violated the below listed policies and procedures of the El Paso Police Department.

Volume 0 - Value Based Code of Ethics

Purpose

Policy

Discussion

0-301 - Police Powers

0-302 - Limitations on Authority

0-302.01 Scope

0-303 - Course of Action

0-304 - Ethical Standards

0-406 - We Conduct Ourselves with Dignity

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IV. SUMMARIES

Complaining Supervisor - Sgt. Ray Menchaca #1322

Stated on 03-19-04 he met with Officer Goroeoff to address a citizen's complaint against her. Sgt. Menchaca stated when asked what occurred, Officer Goroeoff responded that she was tired of all the bullshit complaints made against her. Sgt. Menchaca stated he then asked Officer Goroeoff how she thought she could reduce future complaints against her and her response was to get a shotgun and blowing someone's fucking head off. (See statement for details)

Witness Employee - Sgt. S. Perez #988

Stated that she heard the conversation between Sgt. Menchaca and Officer Goroeoff and confirmed the version of the incident as told by Sgt. Menchaca. (See statement for details)

Accused Employee - Officer Martina Goroeoff #1817

Stated she was called in by Sgt. Menchaca to write a memo reference a complaint about how she handled an accident that had occurred about a week ago. Officer Goroeoff stated the person complaining on her was taken to the hospital and wasn't even at the scene when she spoke with the involved parties. Officer Goroeoff stated she is not upset at being complained on by people she deals with, but has a problem with 3rd party complaints. Officer Goroeoff stated she made the statement, "I could go and draw a shotgun and blow someone's brains out!" after Sgt. Menchaca insisted that the complaints must be her fault and that she should do something different. Officer Goroeoff stated this statement was made out of frustration and that she was just venting at the time. Officer Goroeoff accepts responsibility for her thoughtless comment which was uttered in the heat of the moment and never thought that it would have been taken seriously as she does not have any use of force complaints or a history of violence. (See statement for details)

V. SWORN STATEMENTS were also obtained from the following:

N/A

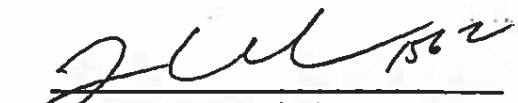
VI. MISCELLANEOUS

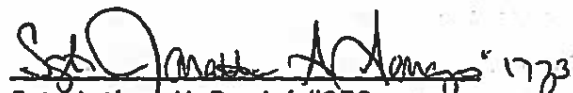
Copy of Supervisors Log

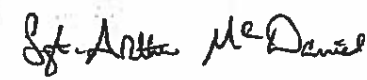
Copy of Mandatory Stress Management Order

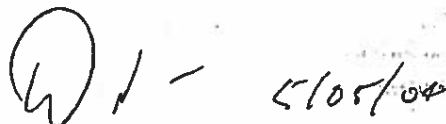
Copy of Mandatory/Supervisory Referral Follow-Up Report

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Officer Darryn Clark #1562
Internal Affairs Investigator

 173
Sgt. Arthur McDaniel #850
Internal Affairs Supervisor




Lieutenant David Norman #626
Internal Affairs Commander

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NOTICE OF SUSPENSION

PAGE 1 of 6

JUNE 17, 2004

DATE

TO: MARTINA GOROEFF

NAME OF EMPLOYEE

1 - SSN of Live Person

SOCIAL SECURITY NUMBER

POLICE OFFICER

POSITION

ADDRESS: EL PASO POLICE DEPARTMENT, REGION 2, MISSION VALLEY
REGIONAL COMMAND CENTER

SUBJECT: NOTICE OF SUSPENSION OF EMPLOYMENT

THIS IS TO NOTIFY YOU THAT YOU HAVE BEEN SUSPENDED FROM EMPLOYMENT
WITH THE CITY OF EL PASO, REF: ADMINISTRATIVE CASE # CP04-076 FOR THE
PERIOD OF SIXTEEN (16) HOURS.

THE FOLLOWING ARE THE REASONS NECESSITATING THIS ACTION:

CHARGES:

THE CITY OF EL PASO, TEXAS CIVIL SERVICE COMMISSION CHARTER
PROVISIONS AND RULES AND REGULATIONS, AND DEPARTMENTAL RULES
AND REGULATIONS PROVIDE:

ARTICLE VI, CIVIL SERVICE COMMISSION

SECTION 6.13-2. DISCHARGE OF PERMANENT EMPLOYEES.

The appointing authority or the head of the department in which an employee is serving may, for
any cause defined below or further defined in the Rules, discharge, suspend or reduce in rank or
position any permanent employee.

SECTION 6.13-3. CAUSES OF SUSPENSION, REDUCTION OR DISCHARGE.

The following, as further defined in the Rules, may constitute causes for discharge, suspension or
reduction in grade of permanent employees:

- E. Being wantonly offensive in conduct or language; &
- N. For just cause.

I HAVE RECEIVED A COPY OF THIS NOTICE

[Signature]

EMPLOYEE'S SIGNATURE

06/25/04

DATE

[Signature]
DEPARTMENT HEAD

DATE

6-15-04

BY REGISTERED MAIL NO: _____

COPY RECEIVED AND FILED
CIVIL SERVICE COMMISSION

BY: _____
SECRETARY

CP04-076

NOTICE OF SUSPENSION

PAGE 2 of 6

JUNE 17, 2004
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TO: MARTINA GOROEOFF

NAME OF EMPLOYEE

1 - SSN of Live Person

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POLICE OFFICER

POSITION

CIVIL SERVICE RULES

RULE 19 - DEPARTMENTAL RULES

Section 1. Any department head shall have the right to promulgate rules and regulations regarding the operation of his or her department, and the conduct of the employee therein, provided that such rules do not conflict with the Civil Service Charter or the Rules promulgated thereunder.

Section 4. Any department head may, as provided in the Charter, suspend, discharge or demote any employee for insubordination, for failure to comply with the rules and regulations, for failure to comply with the Rules of the Commission, or for failure to obey any lawful order of a superior officer.

EL PASO POLICE DEPARTMENT PROCEDURES MANUAL

VOLUME 0 - VALUE BASED CODE OF ETHICS

CHAPTER 1 - PURPOSE

0-101. PURPOSE. The purpose of this document is to give practical meaning to our stated Department Mission and Values by setting forth for all officers and employees of the El Paso Police Department articulated policies, procedures and codes of conduct which encompass and describe expectations of behavior and conduct, both on duty and off duty.

CHAPTER 2 - POLICY

0-201. POLICY. All members of the Department will become familiar with these standards and will abide by them. Violations constitute grounds for disciplinary action.

CHAPTER 3 - DISCUSSION

0-302. LIMITATIONS ON AUTHORITY. Codes of conduct are as essential to a well functioning, correctly disciplined organization as proper laws are to society. Police officers and public employees are granted a public trust which requires that they consistently demonstrate the highest degree of integrity. The purpose of policies, orders, and procedures is to maintain a high level of personal and official conduct in order to command the respect and confidence of the public.

BY REGISTERED MAIL NO: _____

COPY RECEIVED AND FILED
CIVIL SERVICE COMMISSION

BY: _____
SECRETARY

CP04-076

NOTICE OF SUSPENSION

PAGE 3 of 6

JUNE 17, 2004
DATE

TO: MARTINA GOROEOFF

NAME OF EMPLOYEE

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SOCIAL SECURITY NUMBER

POLICE OFFICER
POSITION

0-302.01 SCOPE. Nothing in the Department's policies, orders, or procedures is intended to limit or supersede any provision of law relating to the duties and obligations of peace officers or the consequences of a violation thereof. When this code specifies certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned. From time to time, the Department may implement orders that may change, alter or supersede a policy or procedure set forth herein. Once notice of an order is given, employees will be responsible for learning any new procedures and abiding by them.

0-303. COURSE OF ACTION. Members of the Department confronted with situations that are not specifically covered by this code, these procedures, or other Department policies must use their best judgment and make decisions as to the appropriate course of action or conduct based upon training, experience and, perhaps most importantly, the mission and values of our Department.

0-304. ETHICAL STANDARDS. The El Paso Police Department has created and adopted a Mission Statement and published Core Values. These values are not just empty words, but an important code of ethics and standards upon which we base our performance, conduct, policies and procedures. Professionalism dictates, in addition to prescribing a desired level of performance, the establishment of minimum standards of ethical conduct with prescribed policies for internal discipline to ensure compliance.

CHAPTER 4 - CODE OF ETHICS

0-401.05 Employees will be courteous to the public. Employees will be tactful in the performance of their duties, will control emotions and exercise patience and discretion. Employees will not express any prejudice concerning race, color, religion, gender, politics, national origin, lifestyle or similar characteristics.

0-404.06 As police employees are under constant observation by the public, they will present themselves as leaders within the community and always be professional and courteous, both on and off duty.

0-406. WE CONDUCT OURSELVES WITH DIGNITY. We recognize that our personal conduct, both on and off duty, is inseparable from the professional reputation of both the Officer and the Department.

0-406.03 Employees will be courteous and respectful in their official dealings with the public, fellow employees, superiors and subordinates.

BY REGISTERED MAIL NO: _____

COPY RECEIVED AND FILED
CIVIL SERVICE COMMISSION

BY: _____
SECRETARY

CP04-076

NOTICE OF SUSPENSION

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JUNE 17, 2004

DATE

POLICE OFFICER

POSITION

TO: MARTINA GOROEFF

NAME OF EMPLOYEE

1 - SSN of Live Person

SOCIAL SECURITY NUMBER

0-406.04 Employees, as professionals, will maintain an awareness of those laws, policies, and other factors affecting their responsibilities.

0-406.05 Officers will maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession.

0-406.06 Employees will not participate in conduct which impairs their ability to perform as law enforcement employees or causes them or the Department to be discredited or brought into disrepute.

0-406.07 Employees will maintain a level of performance and competence that will keep them abreast of current techniques, concepts, laws and requirements of the profession. Employees will strive for professional excellence.

0-406.08 Employees will strive to set an example for other law enforcement personnel.

VOLUME 1 - ADMINISTRATIVE PROCEDURES

CHAPTER 1 - ABOUT THE PROCEDURES MANUAL

1-101. ESTABLISHMENT. The Procedures Manual of the El Paso Police Department is established by order of the Chief of Police and is hereafter referred to as the "Procedures Manual."

1-101.01 CONTENT. The Procedures Manual describes the organizational structure of the El Paso Police Department (hereafter referred to as the "Department"), projects the police purpose and sets forth policies and procedures in keeping with that purpose. In the event that any provision herein will conflict with the City Charter, any City Ordinance, a rule or regulation of the Civil Service Commission or a provision in the Contract, the City Charter, City ordinance, Civil Service Commission rule or the Contract will prevail.

1-101.02 AUTHORITY. The Procedures Manual is an official document of the Department. All employees will comply with the provisions of the Procedures Manual except where clearly inapplicable. All pre-existing orders and Department regulations, inconsistent with the Procedures Manual, are hereby revoked.

SPECIFICATIONS:

On March 19, 2004, at approximately 1430 hours, you were called back to the Mission Valley Regional Command Center by your supervisory sergeant reference a complaint made against you

BY REGISTERED MAIL NO: _____

COPY RECEIVED AND FILED
CIVIL SERVICE COMMISSION

BY: _____
SECRETARY

CP04-076

NOTICE OF SUSPENSION

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DATE

TO: MARTINA GOROEOFF

NAME OF EMPLOYEE

POLICE OFFICER

POSITION

1 - SSN of Live Person
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by a citizen. The sergeant stated you immediately became incensed and began to lash out at the general public exclaiming you were tired of all of the "bullshit complaints" made against you. When the sergeant asked you what possible solutions might exist to reduce the number of complaints you receive, he stated you replied with words to the effect of "I'll get a fucking shotgun and blow someone's fucking head off." Your comments were also heard by another sergeant who characterized your responses as "out of line." Taken aback by your disturbing utterances, the sergeant stated he expressed to you his concern about your comments and your safety. He noted you remained upset; you were placed on administrative leave and agreed to attend stress management that same day.

An administrative investigation determined you violated department procedures and policies by using unprofessional language during the conversation with the sergeant and conducting yourself unprofessionally by suggesting a possible solution to future allegations against you would be to "get a fucking shotgun and blow someone's fucking head off." In your administrative statement, you admitted making a comment to this effect (without the profanity) and that it was unprofessional.

As a law enforcement officer, you are required to maintain a professional demeanor regardless of provocation or personal attitudes. Your behavior in this case is detrimental toward fostering a harmonious working environment, and in direct conflict with the goals and objectives of the Department. We expect you to maintain a level of conduct which is in accord with the highest standards of the law enforcement profession.

Your disciplinary history reflects the following:

On March 12, 2003, you were driving a city vehicle and became involved in an on-duty traffic accident when you struck another vehicle on it's left side at Alameda and N. Americas. You were cited for Failure to Yield Right Of Way - Left Turn. You received a written reprimand.

On October 9, 2002, you failed to testify in municipal court as scheduled. You also failed to appear to testify in municipal court on Septembers 23, 2002. This was your second unexcused absence from municipal court within a six-month period. You received a written reprimand.

On January 17, 2001, you failed to testify in municipal court as scheduled. You also failed to appear to testify in municipal court on April 2, 2001. This was your second unexcused absence from municipal court within a six-month period. You received a written reprimand.

On October 08, 2000, at approximately 2007 hours, you and your partner were dispatched to the El Paso Psychiatric Center in reference to a patient who had possibly ingested an overdose of medication. You and your partner took the patient into protective custody and escorted her to Thomason Hospital for treatment. At Thomason Hospital, the patient became verbally abusive towards you, and you became involved in an argument with her in the presence the patient's

BY REGISTERED MAIL NO: _____

COPY RECEIVED AND FILED
CIVIL SERVICE COMMISSION

BY: _____
SECRETARY

CP04-076

EXHIBIT B
18-1026-9961

NOTICE OF SUSPENSION

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JUNE 17, 2004

DATE

TO: MARTINA GOROEFF

NAME OF EMPLOYEE

POLICE OFFICER

POSITION

1 - SSN of Live Person
SOCIAL SECURITY NUMBER

family members and hospital staff. During your exchange of words with the patient, you called her derogatory names. During the call, you also had a confrontation with members of the hospital staff who disapproved of your counterproductive tactics. Members of the hospital staff described your demeanor as unprofessional, and provoking toward a patient who was already agitated and uncooperative. You received a written reprimand.

On the basis of the foregoing, you are suspended for SIXTEEN (16) HOURS. Further misconduct may result in harsher discipline.

You have thirty (30) days from the date you receive this notice to appeal this suspension to the Civil Service Commission or, at the election of the Association, to an arbitrator.

Pursuant to the Articles of Agreement between the Municipal Police Officers Association and the City of El Paso, Article 26, you may request, and the Chief may agree, to allow you to forfeit vacation days for a period not to exceed 10 days of your suspension. However, by requesting that option, and upon approval of that request, you will waive your right to appeal this action.

The attached Appendix provides a space for you to request this option. Whether you choose to request this option or not, you **MUST** complete and return the attached Appendix to the Internal Affairs Division Commander no later than 10 days from the date you receive this notice or face separate disciplinary action.

The Department reserves the right to amend these charges and specifications at any time.

I have read pages 02-05, of this Notice and I incorporate these pages 02-05, into this Notice just as if I had signed each page.

I HAVE RECEIVED A COPY OF THIS NOTICE


EMPLOYEE'S SIGNATURE

06/25/04
DATE

BY REGISTERED MAIL NO: _____

CP04-076


DEPARTMENT HEAD

6-15-04
DATE

COPY RECEIVED AND FILED
CIVIL SERVICE COMMISSION

BY: _____
SECRETARY

EXHIBIT B
18-1026-9961

APPENDIX "A"

ATTENTION : MARTINA GOROEFF

THIS FORM MUST BE HAND DELIVERED TO YOUR SUPERVISOR,
IMMEDIATELY UPON LEAVING THE INTERNAL AFFAIRS OFFICE.

TO: LIEUTENANT, VIA CHAIN OF COMMAND

FROM: INTERNAL AFFAIRS DIVISION

RE: IA CASE # CP04-076

This form serves to notify you that a disposition has been determined on the above listed administrative case affecting NAME MARTINA GOROEFF DISPOSITION: SIXTEEN (16) HOUR SUSPENSION.

****This is a written direct order that you MUST serve the suspension, as advised from your supervisor, from 6/26/04 to 6/27/04.**

Total hours of suspension (SUS) to be served: 16 Date to return to work: 6/28/04

ATTACH THE ORIGINAL LEAVE REQUEST FORM TO THIS DOCUMENT

This is a written direct order that you MUST return this completed form to the Internal Affairs Division Commander no later than 10 days from the date you receive this notice or face separate disciplinary action.

AND/OR

Date to Deduct suspension time (Maximum 10 days or 80hrs): _____
(According to the Articles of Agreement between the City and EPMPOA under Article 26 the employee may request to forfeit vacation (time) for a period equal the suspension.)

I _____ hereby authorize the Police Department to deduct the suspension amount (up to 10 days maximum) from my Vacation leave balance on the date noted above. I understand that by exercising this option I cannot appeal the suspension to the Commission or to arbitration.
NO leave request is necessary unless suspension time is served or greater than 10 days. (to be noted above).

Employees Kronos ID 006688 SSN 1 - SSN of Live Person

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This form must be returned to IAD no later than : 7/5/04 MONDAY

Employee's Signature [Signature]

Supervisor's Signature Sgt. [Signature] 1750

Date: 06/25/04

Date: 6/25/04

City Personnel Section

Indicate the pay period in which the deduction was posted

Pay Period Ending _____ Schedule _____ by (Name & Id) _____ Date _____

Previous Vacation Balance _____ hrs Adjusted Vacation Balance _____ hrs

NOTE: PLEASE RETURN TO INTERNAL AFFAIRS WITHIN 72HRS OF POSTING THE DEDUCTION.

Date returned to IAD _____ IAD Supervisor signature _____

Distribution: **Original** – IAD. Copies for City Personnel (HR); PD Payroll; & Personnel file Chief's office
Effective: February 01, 2004



FAKED
to Payroll 6/25/04

CITY OF EL PASO
Human Resources Department
Leave Request

CP04-076

NAME (Last, First, Middle Initial): <u>Gonzalez Martha Martina</u>			EMPL ID # <u>006688</u>			Last 4 Numbers of SS # <u>1 - SSN of LI...</u>		
DEPARTMENT: <u>Police / MVR</u>						DATE: <u>06/25/04</u>		
I am requesting an absence from duty for <u>16</u> hours, effective from <u>06/26</u> to <u>06/27</u> inclusive.						Pay Period Ending _____ Sched _____		
I am requesting an absence from duty for _____ hours, effective from _____ to _____ inclusive.						Pay Period Ending _____ Sched _____		
I am requesting an absence from duty for _____ hours, effective from _____ to _____ inclusive.						Pay Period Ending _____ Sched _____		
Reason for Request: <u>SUS 06/27 (Sunday) work first 4 hours</u>						For use by Payroll Clerk ONLY		
PERSON NOTIFIED: <u>Sgt Prieto</u>				DATE: <u>06/25/04</u>		TIME: <u>2:45 PM</u>		
Submitted with Retroactive Adjustment Form: Schedule _____ Pay Period Ending _____								
CODE	TYPE OF LEAVE	AMOUNT	CODE	TYPE OF LEAVE	AMOUNT			
ABT	Accrued Birthday Holiday Taken Date of Birth: _____	_____ Hrs.	LWO	Leave Without Pay	_____ Hrs.			
ACC	Accident With Pay and Comp. (On or After 11/03/91) Date of Injury: _____	_____ Hrs.	MIL	Military Leave With Pay	_____ Hrs.			
ACP	Accident With Pay W/Out Comp. (On or After 11/03/91) Date of Injury: _____	_____ Hrs.	PTL	Sick Leave (Parental)	_____ Hrs.			
BALANCES	Sick _____ Vacation _____ Holiday _____ Birthday _____		SEL	Sick Leave (Emergency)	_____ Hrs.			
ADM	Administrative Leave	_____ Hrs.	SLD	Sick Leave (Disability) Relationship: _____	_____ Hrs.			
AHT	Accrued Holiday Taken	_____ Hrs.	SLF	Sick Leave (Funeral) Relationship: _____	_____ Hrs.			
AWO	Unauthorized Leave Without Pay	_____ Hrs.	SLM	Sick Leave (Maternity)	_____ Hrs.			
AWP	Accident With Pay (Prior to 11/03/91) Date of Injury: _____	_____ Hrs.	SLP	Sick Leave	_____ Hrs.			
BHL	Birthday Holiday Date of Birth: _____	_____ Hrs.	SPD	Sick Leave (Personal Days)	_____ Hrs.			
CVL	Civil Leave With Pay (Includes Jury Duty)	_____ Hrs.	SSL	Special Sick Leave	_____ Hrs.			
CWP	Conference With Pay	_____ Hrs.	<u>SUS</u>	Suspended Without Pay	<u>16.0</u> Hrs.			
LAB	Leave for Association Business (For Fire/Police Uniformed Employees Only)	_____ Hrs.	VAC	Vacation Leave	_____ Hrs.			
SUPPORTING DOCUMENTATION ATTACHED:								
<input type="checkbox"/> Physician's Certificate <input type="checkbox"/> Jury Summons (Original) <input type="checkbox"/> Obituary Notice for Funeral Attendance <input type="checkbox"/> Military Orders <input type="checkbox"/> Certificate of Jury Service <input type="checkbox"/> Other								
EMPLOYEE'S SIGNATURE: <u>[Signature] #817</u>						DATE: <u>06/25/04</u>		
SUPERVISOR'S SIGNATURE: <u>Sgt. Prieto 1450</u>						DATE: <u>6/25/04</u>		
DEPARTMENT HEAD'S SIGNATURE: _____						DATE: _____		
IF APPLICABLE, CHECK BELOW:			DATE:			DISTRIBUTION: Original - Personnel Copy - Department Copy - Employee		
<input type="checkbox"/> Employee wants copy of this form. <input type="checkbox"/> Employee was not available to sign this form.								

CP04-076

INVESTIGATIVE SUPPLEMENTS

2

DGC

Supplementary Report
El Paso Police Department
Internal Affairs Division

Case No. (s): *CP04-076*
Allegation: Administrative
Complainant(s): Sgt. Menchaca

03-23-04 Case Assigned

03-24-04 Organize Case / Printout work schedule

03-29-04 through 03-31-04 Training (Mental Health)

04-01-04 Request statements from Sgt. Perez
E-mail sent to Sgt. Menchaca

04-05-04 Received statement from Sgt. Perez
Sent First Notice to Lt. Shelton

04-06-04 Issues written for Officer Goroeoff
Case given to Officer Olague for training purposes

04-12 through 04-15 Officer Olague in training (RMS) at Headquarters

04-19-04 Work on Summary
Sgt. Menchaca
Officer Clark on Paternity Leave until 04-26-04

04-27-04 Case returned to Officer Clark for completion

04-29-04 Statement obtained from Officer Goroeoff

04-30-04 Vacation

05-03-04 Summary finalized and case turned in for final disposition

Darryn Clark #1562
Internal Affairs Division

CP04-076

POLICIES AND PROCEDURES

DGC

El Paso Police Department Policies and Procedures

These are the Department Policies and Procedures that have allegedly been violated:

0-101. PURPOSE. The purpose of this document is to give practical meaning to our stated Department Mission and Values by setting forth for all officers and employees of the El Paso Police Department articulated policies, procedures and codes of conduct which encompass and describe expectations of behavior and conduct, both on duty and off duty.

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DGC

0-401. WE RESPECT LIFE. We hold the preservation of life as our sacred duty. Our value of human life sets our priorities.

0-401.05 Employees will be courteous to the public. Employees will be tactful in the performance of their duties, will control emotions and exercise patience and discretion. Employees will not express any prejudice concerning race, color, religion, gender, politics, national origin, lifestyle or similar characteristics.

0-402. WE REVERE THE TRUTH. We accept nothing less than truth, honesty and integrity in our profession.

0-404.06 As police employees are under constant observation by the public, they will present themselves as leaders within the community and always be professional and courteous, both on and off duty.

0-405. WE HONOR OUR POLICE POWERS. We understand that our police powers are derived from the people we serve. We do not tolerate the abuse of our police authority.

0-406. WE CONDUCT OURSELVES WITH DIGNITY. We recognize that our personal conduct, both on and off duty, is inseparable from the professional reputation of both the Officer and the Department.

0-406.01 Employees will obey all laws of the United States and of any State or local jurisdiction in which the employee is present.

✓ **0-406.03** Employees will be courteous and respectful in their official dealings with the public, fellow employees, superiors and subordinates.

✓ **0-406.04** Employees, as professionals, will maintain an awareness of those laws, policies, and other factors affecting their responsibilities.

0-406.05 Officers will maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession.

0-406.06 Employees will not participate in conduct which impairs their ability to perform as law enforcement employees or causes them or the Department to be discredited or brought into disrepute.

✓ **0-406.07** Employees will maintain a level of performance and competence that will keep them abreast of current techniques, concepts, laws and requirements of the profession. Employees will strive for professional excellence.

Officer Darryn Clark #1562
Internal Affairs Investigator

DGC

CP04-076

COMPLAINANT (S) STATEMENT

DGC

CPO 4-076

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION

ADMINISTRATIVE STATEMENT CASE

COMPLAINANT: Administrative

ADDRESS:

PHONE:

CASE #:

This statement is given to *Officer Darryn Clark #1562* of the El Paso Police Department by:

Name: Ray Menchaca #1322

Duty Assignment: Patrol Sergeant

Time: 1400 HOURS Date: 4/9/04

Page 1 of 3 pages.

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of the state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been advised to fully and honestly assist in the investigation. My oath of office and the provisions of our Department's Procedures Manual requires this personal and professional response to the investigation. My failure to do so may subject me to discipline for engaging in giving false and \ or misleading statements during an administrative investigation. If I do answer, neither my statements nor any information or evidence which is gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements may be used against me in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Confidentiality Order

I have been given a Direct Order by *Lieutenant Norman* of internal affairs not to discuss or disclose, in any manner, the nature of details of this investigation with anyone other than Internal Affairs Investigators, or my attorney. This Order also means that I am not to contact potential witnesses or complainants. A violation of this order will result in disciplinary action.

"On 4/9/04, 2003, at 1400 hours at the MVRC, I was ordered to submit this report (give this statement) by *Officer Clark* to give this statement at his order as a condition of employment. In view of possible discipline or dismissal. I have no alternative but to abide by the order. It is my belief and understating that the department

CP04-076

requires this report (statement) solely and exclusively for internal purposes and will not release it to any other agency or authority except as is required by law. It is my further belief that this report (statement) will not and cannot be used against me in any subsequent proceeding other than disciplinary proceedings within the confines of the department itself".

For any and all purposes, I hereby reserve my constitutional right to remain silent under the FIFTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION and other rights PRESCRIBED by law. Further, I rely specifically upon the protection afforded me under the doctrines set forth in GARRITY vs. New Jersey 385 U.S. 493 (1967), SPEVAK vs. KLEIN 385 U.S. 511 (1967), and GARDNER vs. BRODERICK 392 U.S. 273 (1968), should this report (statement) be used for any other purpose of whatsoever kind or description"

If you have any relevant information regarding this investigation, please add it to the end of your statement.

My Name is Ray Menchaca and I am currently employed with the El Paso Police Department. I am assigned to the Mission Valley Region as a patrol supervisor.

On March 19, 2004, I met with Officer Goroeoff to address a citizen's complaint. We were in the sergeant's workstation area when I asked her what had occurred. Her response was unruly and began to lash out at people in general, stating she was tired of all the "bullshit complaints" against her. I tried to calm her down and remind her that it was important for her not to take the allegation personal. She asserted her claim, stating her demeanor was professional, however, she was tired of people making false complaints against her. I asked her what she thought was the solution to reduce future allegations against her. I could see she was visibly upset. She responded by saying that she believed the solution is by "getting a fucking shotgun and blow someone's fucking head off." I directed her to go and get a drink and cool off. I was concerned with what and how Officer Goroeoff made her comments.

I met with Sergeant S. Perez #988 to ask her if she would sit in with me when I addressed Officer Goroeoff again. Sergeant Perez stated she had heard Officer Goroeoff's comments. I sat down with Officer Goroeoff in the presence of Sgt. Perez and conveyed my concern about her comments and her safety. I could see that she was still upset and adamant about her belief in people falsely accusing her of rudeness.

I met with Lt. Balderrama and Lt. Serna and informed them on the incident. Lt. Balderrama (Acting Cmdr.) contacted Deputy Chief Guzman and informed him of the incident. Lt. Balderrama was directed by Chief Guzman to ask Officer Goroeoff if she would attend stress management voluntarily. Due to the nature of the officer's comments, I asked Lt. Balderrama if we also needed to disarm Officer Goroeoff before she went to stress management. Lt. Balderrama asked Chief Guzman who stated it would be up to us. The decision was made by Lt. Balderrama to take her firearm while she went to stress management. Lt. Serna and I called Officer Goroeoff into the Lt.'s office where she relinquished her firearm without incident. Officer Goroeoff agreed to immediately drive herself and meet with Debra Ontiveros (stress management) at 1600 N. Lee Trevino #C7. She was placed on administrative leave for the remainder of the workday. A PID was initiated.

Chief Guzman later contacted me and directed me to contact Officer Goroeoff and return her weapon. Officer Goroeoff later returned to the station from her meeting with stress management at 1840 hours. I informed her I was releasing her weapon back to her. Officer Goroeoff informed me she would continue attending stress management in the future.

CP04-076

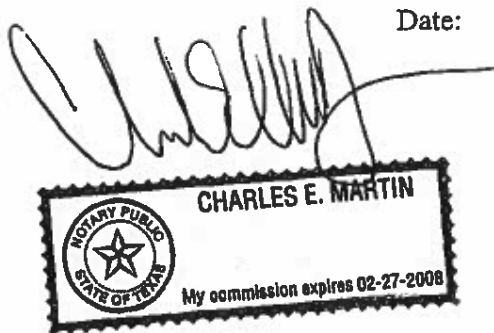
I later spoke to Debra Ontiveros who expressed her opinion that Officer Goroeoff could return to work on the following day.

I HAVE READ THE ABOVE STATEMENT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. ALTHOUGH THESE ARE NOT MY EXACT WORDS THEY REPRESENT A TRUE RECOLLECTION.

Subscribed and sworn to before me, the undersigned authority, on this day 23rd
Of April, 2004.

Witnesses

Date:



CP04-076

WITNESS OFFICER (S) STATEMENT

6

DGC

CPO 4-076

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION

ADMINISTRATIVE STATEMENT
COMPLAINANT: Administrative
ADDRESS:
PHONE:
CASE #:

This statement was given to Officer D. Clark of the El Paso Police Department by:

Name: Sylvia Perez #988

Duty Assignment: MVRC Dayshift Patrol

Time: 1315 hrs.

Date: April 1, 2004

Page 1 of 2 pages.

My name is Sylvia Perez, I am currently assigned to MVRC as the dayshift supervisor.

I have been assigned at MVRC for approximately 11 months. On March 26, I was sitting at my desk when Officer Goreoff #1817 was speaking with Sgt. Menchaca. Apparently Sgt. Menchaca summoned her to address a complaint. I could hear just about everything because my desk is situated adjacent to his.

He started by telling her that he had received a complaint and the issue was that she had not given one of the parties involved time to explain his/her side. Sgt. Menchaca wanted a response from Office Goreoff. I could tell by her voice that she was bothered.

Sgt. Menchaca explain to her that all he was looking for was answers whether the allegations were true or not. He told her that she had been receiving several complainants and wondered if it was something she was doing or maybe the citizens were mis-interpreting her attitude. By this time Officer Goreoff was getting upset and excited as was raising her voice and was beginning to use foul language. She told Sgt. Menchaca she could not understand why we were taking 3rd party complaints and why everything

had to be documented. She used the word (fucking) several times. Sgt. Menchaca asked her to calm down and not take things personally. He asked her if there was any solution, whether he could help her or maybe by changing her demeanor with the public as she was being perceived as unprofessional. She then stated something to the effect that one solution would be for her to "get a fucking shotgun and go shoot someone or the complainants and that would solve the problem." By this time I could hear that Sgt. Menchaca was alarmed as he asked her to calm down and there was no need for such comments. He told her to go have a coke and relax and he would get back with her. She then left the sergeants area. Sgt. Menchaca approached me and asked me if I heard the conversation. I told him I did. He asked me what I thought as he felt she should not go out on the field as she was a danger to the public. I told him those comments were out of line and that she had an attitude problem as she is never willing to admit responsibility for her actions. Sgt. Menchaca notified Acting Commander Balderrama and Lt. Serna. He was told to talk to her again. He asked me to assist him by just sitting in on the conversation. Which I did. Again Officer Goreoff never admitted to being at fault. She claimed she did not have a shotgun to shoot people so therefore, it was just a comment. after the conversation which went nowhere I left and later learned she had been sent home and sent to stress management.

I HAVE READ THE ABOVE STATEMENT AND FOUND IT TO BE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE

Amelito 590
Ricardo Serna 534

Sgt. Menchaca 328

CP04-076

ACCUSED EMPLOYEE (S) STATEMENT (S)

DGC

**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION**

ADMINISTRATIVE STATEMENT CASE

COMPLAINANT: Sgt. R. Menchaca
ADDRESS: 9011 Escobar
PHONE: 872-3600
CASE #: CP04-076

This statement is given to: Officer Darryn Clark of the El Paso Police Department
By: Martina Goroeoff
Address: MVRCC
Phone: 872-3600
Time: 1330 hours Date: 04-29-04 PAGE 1 OF 6

**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM**

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully questions relating to the performance of my official duties or fitness for duty, I will be subject to Departmental charges. If I do answer, neither my statements nor any information or evidence, which is gained by reason of such statements, can be used against me in any subsequent criminal proceedings. However, these statements may be used against me in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

DGC

I have been advised to fully and honestly assist in this investigation. My oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. My failure to do so may subject me to discipline for engaging in giving false and /or misleading statements during an administrative investigation. If I do answer, neither my statements nor any information or evidence, which is gained by reason of such statements, can be used against me in any subsequent criminal proceedings. However, these statements may be used against me in relation to subsequent Departmental charges

Confidentiality Order

I have been given a Direct Order by Lt. David Norman of the Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with anyone other than Internal Affairs Investigators, or my attorney. This Order also means that I am not to contact potential witnesses or complainants. A violation of this Order will result in Disciplinary Action.

"On 04-29-04 at 1330 hours at the Internal Affairs Office, I was ordered to submit this report to Officer Darryn Clark #1562. I was ordered to give this report (give this statement) at her order as a condition of employment. In view of possible discipline or dismissal. I have no alternative but to abide by this order. "It is my belief and understanding that the department requires this report (statement) solely and exclusively for internal purposes and will not release it to any other agency or authority except as is required by law. It is my further belief that this report (statement) will not and cannot be used against me in any subsequent proceeding other than disciplinary proceedings within the confine of the department itself".

For any and all purposes, I hereby reserve my constitutional right to remain silent under the FIFTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION and other rights PRESCRIBED by law. Further, I rely specifically upon the protection afforded me under the doctrines set forth in GARRITY vs. New Jersey 385 U.S. 493 (1967), SPEVAK vs. KLEIN 385 U.S. 511 (1967), and GARDNER vs. BRODERICK 392

DGC

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U.S. 273 (1968), should this report (statement) be used for any other purpose of whatsoever kind or description"

I have been ordered to give an Administrative Statement and I give this statement voluntarily to OFFICER DARRYN CLARK of the El Paso Police Department/Internal Affairs Division.

My name is Martina Goroeoff, and I am a commissioned police officer, currently employed by the El Paso Police Department. I am currently assigned as a patrol officer at the Mission Valley Regional Command.

On 03-19-04, it is alleged that you became upset when asked by Sgt. Menchaca to address a complaint made against you by a citizen. You then allegedly began to use profanities and then made the comment, "I'll get a fucking shotgun and blow someone's fucking head off." The allegations if sustained are violations of the policies and procedures of the El Paso Police Department.

I will now be addressing a few more issues/questions that Officer Darryn Clark #1562 has for me in regards to the above-mentioned case.

1. Please give a brief description of why you were called into the Regional Command by Sgt. Menchaca on 03-19-04?

I was called in by Sgt Menchaca to write a memo reference a complaint about how I handled an accident that occurred about a week prior. When Sgt Menchaca told me about the complaint, he referred to the Complainant as "she". It turned out that the "she" Sgt Menchaca referred to was the passenger of Unit 1 who went to the hospital on some imaginary injuries and wasn't at the scene when I talked to the involved parties.

2. Why is it that you continue to be called in to address, as you call them, "bullshit" complaints? What are you doing differently than other officers who not being complained on?

I don't feel I continuously get called in on "bullshit" complaints. First of all I don't seem to get all that many complaints considering the amount of traffic stop contacts and tickets that I write. And in general I do not have a problem with people complaining as it is expected. What I do have a problem with are the 3rd party complaints. Complaints from people who were not even at the scene and who have nothing to do with the traffic stop they complain about or people (like this case) who left the scene before I

DGC

investigated the accident and I have to defend myself over allegations made that I had no control over whatsoever.

3. When asked by Sgt. Menchaca as to a possible solution to reduce future allegations made against you, did you make the comment, that you believed the solution would be to "get a fucking shotgun and blow someone's fucking head off!" What did you mean by this comment and have you ever considered carrying this threat out?

During the "conversation" with Sgt Menchaca, I told him straight out that I was angry about having to defend myself against complaints from people who weren't even at the scene. I also told Sgt Menchaca that I was venting right now and that he could tell me to shut up any time. Instead, Sgt Menchaca alluded that I might be the problem and what I could do to stop those complaints. As far as I can figure, there's no way for me to do anything about a person that wasn't there to stop them from complaining about me about something that they may or may not have knowledge of.

A few years ago there was a period where I seemed to get a lot of complaints stemming from traffic stops. They were all from people I have directly dealt with and given tickets to, though. I got tired of those complaints and thought about what I could do to cut them down. I decided on a different approach, i.e.: when making first contact, tell the person why you pulled them over and then asked for the license and insurance, versus asking for the license and insurance and after they hand them over, tell them about the reason for the traffic stop. I'm not the most tactful person and like to get right to the point but I also found a non-confrontational approach to tell them about the traffic violation. For example: instead of telling the person that I pulled them over because they did not use a turn signal, I tell them that I pulled them over because I did not see them use a turn signal and asking them if their signal lights work (and check them). Now that seemed to work and the complaints from the traffic stops drastically dropped.

I am always open to suggestions how to do something better but I just can't see a way to change anything to stop people that are not at the scene from complaining. I told Sgt Menchaca that but he still insisted that it must be somehow my fault and that I could do something. Thoroughly frustrated that something completely out of my control is being blamed on me, I first suggested that I could quit my job as that would be the only way. Sgt Menchaca still insisted that I could think of something. I finally said that yes, I could think of something - I could go and draw a shotgun and blow someone's brains out! Not a solution; just as quitting my job is not a solution but I was asked what I could do!

DGC

4. Do feel these comments were unprofessional?

I feel that I should not have made that statement. Was it unprofessional? Probably, even though at the time I did not think about it and felt that I was encouraged by Sgt Menchaca to "vent" my frustration as he never told me to stop and actually asked me to come up with solutions to a problem I felt I had absolutely no control over.

5. Do you accept responsibility for the comment you made and the implications associated with it?

Yes, it was a thoughtless comment uttered in the heat of the moment and I never thought that it would be taken seriously as I do not have any history of violence (no violence complaints or use of force complaints) and never even considered any violent act just because someone made me angry.

6. Is there anything that you would like to add to your statement?

Yes there is. The 3rd party complaint I was called in by Sgt Menchaca to write a memo about was the second 3rd party complaint in less than two weeks. On 9 March (I believe that's the correct date) I conducted a traffic stop on Delta St. The driver was a Hispanic male with a 4-5-year old girl in the front seat. I pulled him over because one of his lights (brake and signal) did not work on his old car. I felt it was a very good traffic stop - very professional and friendly and I even stepped on the brake of his car so he could fix the loose connection to the rear light. The man still got four citations (not the ones I pulled him over for, though) and after telling him about how to take care of them and bring the proof (receipts, inspection printout,) to court on the listed date, he drove away.

A few hours later, Sgt Martin had me public service him at the MVR. Sgt Martin asked me if I had done a traffic stop on Delta. When I told him that I did (the only traffic stop on that street that day), Sgt Martin said that the person called to complain about me and said that she (the complainant) said that I asked her some racial questions and even called her a "Jew"! Now I know how potentially dangerous (career-wise) a racial slur like that can be and was outraged that someone would accuse me of that, considering the person's last name was "Gonzalez". On top of that, I told Sgt Martin that the driver was a male and that the only female at the traffic stop was a 4-year old girl. I also told him that it was one of the "nicer" traffic stops and offered to come to the station so he could see the videotape of the traffic stop. Sgt Martin said that

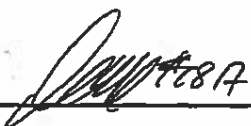
DGC

5

it was not necessary for me to come in and that it was not big deal - he just made an entry of the incident in the Sergeant's log! I honestly admit that this deeply troubled me - not only does the supervisor take a racial discrimination complaint from someone who wasn't there but that he would make a write-up in the supervisor's log without even looking at the tape. And then I get another 3rd party complaint and have to write a memo.

It should be noted that after I mentioned that racial 3rd party complaint to several other supervisors and Officers and the fact that no one bothered to look at the tape before logging the complaint, several weeks later, Sgt Menchaca came up to me and told me that he had reviewed the tape of that traffic stop and found that there was no female present and that I handled myself very professional and courteous.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. OFFICER DARRYN CLARK #1562 OF THE INTERNAL AFFAIRS DIVISION HAS ADVISED ME OF THE ALLEGATIONS MADE AGAINST ME IN THIS ADMINISTRATIVE CASE AND HAS EXPLAINED THE DISCIPLINARY MATRIX TO ME. I HAVE BEEN ADVISED THAT THE ALLEGATION(S) MADE AGAINST ME FOR THIS INCIDENT WILL FALL UNDER THE UNPROFESSIONAL CONDUCT ALLEGATIONS AS SET FORTH IN THE DISCIPLINARY MATRIX. I UNDERSTAND THAT THE POSSIBLE DISCIPLINE I FACE FOR THIS TYPE OF INCIDENT IS A ONE (1) DAY SUSPENSION. I DO/I DO NOT WISH TO MAKE ANY SETTLEMENT FOR MY INVOLVEMENT IN THIS INCIDENT. I WAS ALLOWED TO TYPE THIS STATEMENT AND THESE ARE MY OWN WORDS. OFFICER DARRYN CLARK #1562 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.



Subscribed and sworn to before me, the undersigned authority, on this 29 day of APRIL, 2004.

NOTARY PUBLIC STATE OF TEXAS

Witnesses:



DGC

CP04-076

LOG SHEETS AND WORK SCHEDULES

8

DGC

CP04-076

POLICE EMPLOYEE INFORMATION 04/05/04 @ 09:55 FOR USER: 1029

EMPLOYEE WORK INFORMATION

ID #: 1017

NAME: GORDEOFF MARTINA

DOEmpl: 101196

JOB-TITLE: POLICE OFFICER

WORK-DAYS: S---TFS

WORK-HOURS: 1200-2200

BEEP:

DUTY: TRAFFIC

RADIO-CALL: 26685

CALL-OUT? N

CURRENT ASSIGNMENT: MISSION VALLEY - LT SERNA

PERMANENT ASSIGNMENT: MISSION VALLEY - LT SERNA

EMPLOYEE WORK INFORMATION

CP04-07.6

ID #: 1322
NAME: MENCHACA RAMON
JOB-TITLE: SERGEANT

DOEmpl: 063089

WORK-DAYS: SM---FS WORK-HOURS: 1115-2115 BEEP: 1947
DUTY: .AREA SGT RADIO-CALL: 2L80 CALL-OUT? N

CURRENT ASSIGNMENT: MISSION VALLEY - LT SERNA
PERMANENT ASSIGNMENT: MISSION VALLEY - LT SERNA

EMPLOYEE WORK INFORMATION

CP04-076

ID #: 988

NAME: PEREZ SYLVIA R.

DOEmpl: 032186

JOB-TITLE: SERGEANT

WORK-DAYS: SMTW---

WORK-HOURS: 0515-1515

BEEP: 6167

DUTY: .AREA SGT

RADIO-CALL: 1L80

CALL-OUT? N

CURRENT ASSIGNMENT: MISSION VALLEY - LT BERMES

PERMANENT ASSIGNMENT: MISSION VALLEY - LT BERMES

CP04-076

**FIRST NOTICE FORMS
CONFIDENTIALITY ORDERS
I.A.D. HISTORY CARDS
CONTRACT RIGHTS**

EL PASO POLICE DEPARTMENT
PROFESSIONAL RESPONSIBILITY UNIT
FIRST NOTICE FORM

TO: Lt. Eric Shelton #932 / Mission Valley Regional Command

INVOLVED EMPLOYEES: Officer Martina Goroeoff #1817

FROM: INTERNAL AFFAIRS DIVISION Officer: Darryn Clark #1562

SUBJECT: FIRST NOTICE TO DIVISION & EMPLOYEE REF: #CP04-076

This is to notify you that the Internal Affairs Division has initiated an investigation on allegations noted in the attached Preliminary Information Document. Employees involved in this case are instructed not to contact anyone associated with this case. The Internal Affairs Division will conduct the investigation.

Please see that each employee listed is presented with a copy of the attached Preliminary Information Document. Please return the enclosed I.A.D. Administrative Form, (Garrity and Confidentiality Order), to the Internal Affairs Division, with the employees initials and signature.

A copy of this First Notice Form and the Preliminary Information Document should be retained and placed in the employees Division File.

Commissioned employees are reminded they may voluntarily and at anytime during the course of their employment with the El Paso Police Department attend the stress management program as referred in the current Articles of Agreement between the City of El Paso, Texas, and the El Paso Municipal Police Officers Association.



Officer's Signature

Date: April 5, 2004

Lieutenant Norman
Commander
Professional Responsibility Unit

DN/dgc

DGC



EPPD - IAD Administrative Form

Case Number: CP04-076
Officer: Martina Goroeoff #1817
Interviewer: Sgt. R. Menchaca #1322

Date: 4/0904
Time: 1445 hrs.

I wish to advise you that you are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of the state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I further wish to advise you that if you refuse to testify or to answer truthfully questions related to the performance of your official duties or fitness for duty, you will be subject to Departmental charges. If you do answer, neither your statement nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Officer's Initials: MG

CONFIDENTIALITY ORDER

You are being given a Direct Order by Lt. Norman of the Internal Affairs Division that you are not to discuss the nature or details of this investigation with anyone other than your attorney until such time as the investigation is completed and you have received notice of the disposition. This order also means that you are not to contact potential witnesses or complainants. IAD will conduct the investigation. A violation of this order will result in Disciplinary Action

Officer's Initials: MG

I have received First Notice and a copy of the Incident Report reference case number

Officer's Initials: MG

MG #1817
Officer Signature

SGT #1322
Witness Signature

EPPD - L.A.D. CONTRACT RIGHT FORM

CASE NO: CP04-076

DATE: 04/29/04

OFFICER: Martina Goroeoff #1817

TIME: 13:10 hrs

INTERVIEWER: Ofc. Darryn Clark #1562

As per the Contract between the Association and the City of El Paso, you are being asked to complete the following statement:

I do ☐ do not ☒ request that a tape recording be made of this interview.

I do ☐ do not ☒ want a copy of the interview and I am aware that I must provide a blank tape if I do desire a copy.


WITNESS SIGNATURE


OFFICER SIGNATURE

CP04-076

MISCELLANEOUS
SCENE CANVASS
EXPUNGEMENTS
PHOTOS
CAD PRINTOUTS
AUDIO/VIDEO TAPES

DGC

CP04-076

EL PASO POLICE DEPARTMENT
EL PASO, TEXAS
INTER-OFFICE MEMORANDUM

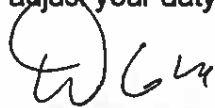
TO: Officer Martina Goroeoff #1817
FROM: Lt. D. Norman #626
Professional Responsibility Unit
SUBJECT: Mandatory Stress Management Order
DATE: March 22, 2004

This is to give you official notice that you are required, by order of the Chief of Police, to enter into the Stress Management Program in accordance with the Contract, Article XXXI, Stress Management, of the Articles of Agreement between the City of El Paso, Texas, and the El Paso Municipal Police Officers Association.

You will contact Ms. Deborah Ontiveros, Program Director, regarding your enrollment no later than March 22, 2004 at 6:00 p.m. Your failure to obey this order will result in disciplinary action.

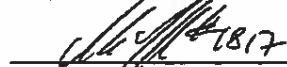
Please contact Ms. Ontiveros at 593-5676. You are to attend this program until you are released by the Program Director.

Attendance is mandatory and will be conducted on duty. Your supervisors will adjust your duty hours accordingly. **No overtime will be authorized**



Lieutenant David Norman #626
Professional Responsibility Unit

Copy received by:



Officer Martina Goroeoff #1817

Dated: 03/22/04

CPO 4-076

RICHARD WILES
Interim
Chief of Police



911 N. Raynor
El Paso, Texas 79903
(915) 564-7000

March 22, 2004

Ms. Deborah Ontiveros
Program Director
Integrity Employee Assistance
1600 N. Lee Trevino #Suite C-7
El Paso, Texas 79936

Dear Ms. Ontiveros:

Officer Martina Goroeoff #1817 has been referred to the Stress Management Program as per order of the Interim Chief of Police, Richard Wiles. It is requested that your office submit documentation that they are attending as required and when they have completed the Program. Please submit all documentation to this office reference the above listed case number.

Thank you for your cooperation in this matter. If you have any questions or need any assistance, please contact me at 544-7633, Internal Affairs Division.

Sincerely,

A handwritten signature in black ink, appearing to read "D - C 20".

Lt. David Norman
Commander
Internal Affairs Division

DEDICATED TO SERVE

1600 N. Lee Trevino, Suite C-7
El Paso, TX. 79936
(915) 593-5676 (915) 593-1199 fax

Integrity Employee
Assistance

From: Deborah Ontiveros LPC, CEAP

F
A
X

To: Sgt. Terragan
Fax: 544-5320 Pages: 2
Phone: 544-7633 Date: 3-23-04
Re: Mand. Referral CC:
☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• The information contained in this transmission is confidential and is protected by law. If you are not the intended recipient, please deliver this message to the identified recipient immediately. If this transmission has reached you in error, please call the phone number listed above to notify sender of the error. Integrity Employee Assistance will assume responsibility for any costs incurred in the return of this transmission via the U. S. Postal Service.

2 - *Section 552.101*

CP04-076
From: RMSP::1562 "D. CLARK - INTERNAL AFFAIRS" 1-APR-2004 10:06:40.81
To: 1322,1562
CC:
Subj: Statement

Sgt. Menchaca,

Would you please send me a witness statement regarding the incident involving Officer Goroeeoff on 03-19-04. I will be looking for your statement in the department mail.

Your assistance is greatly appreciated,

Darryn Clark #1562

From: RMSP::1817 25-APR-2004 12:24:07.61
To: RMSP::1829
CC:
Subj: RE: B5 to IAD

CP04-076

Just to let you know - I have the stress management class that day from 1200 to 1300 hrs but will be there right after...

Respectfully,
Officer M. Gorceoff #1817

2 - *Section 552.101*

1600 N. Lee Trevino, Suite C-7
El Paso, TX. 79936
(915) 593-5676 (915) 593-1199 fax

**Integrity Employee
Assistance**

**F
A
X**

From: Deborah Ontiveros LPC, CEAP

To: Lt. Norman or designate
Fax: 544-5320 Pages: 2
Phone: 544-7633 Date: 4-29-04
Re: Mandatory update CC:
☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• The information contained in this transmission is confidential and is protected by law. If you are not the intended recipient, please deliver this message to the identified recipient immediately. If this transmission has reached you in error, please call the phone number listed above to notify sender of the error. Integrity Employee Assistance will assume responsibility for any costs incurred in the return of this transmission via the U. S. Postal Service.

CLEAT

Combined Law Enforcement Associations of Texas West Texas Regional Office

747 East San Antonio, Suite 103

El Paso, TX 79901

Phone: (915) 533-4924 / Fax: (915) 533-5117

Texas WATS: (800) 328-9940

TO: Lt. Norman

FROM: Gerald Cichon
Staff Attorney

FAX NO.: 544-5320

DATE: August 19, 2004

RE: Request for Discovery

NO. OF PAGES INCLUDING THIS COVER SHEET: 1

MESSAGE:

This is a formal request for discovery on the following police officers:

Officer Martin Moncada – Administrative Hearing September 8, 2004

Officer Martina Gorseoff – Administrative Hearing October 20, 2004

Please deliver Officer Moncada's discovery August 24, 2004.

Thank you.

CONFIDENTIALITY NOTICE: The documents accompanying this facsimile transmission contain confidential information and are subject to discovery. The information is provided only for the use of the recipient of this message. If you have received this facsimile in error, please notify the sender by return facsimile for the return of the original documents to the sender. You are hereby notified that any disclosure or copying, distribution or the taking of any action in reliance on the contents of this information contained in this facsimile is strictly prohibited.

COMMISSIONERS:

Berube, Paul
Ellis, William J.
Graham, Elijah
Harris, Alvin L. Sr.
Martinez, Ramy
Peña, Andrew M.
Ruck, Lance E.
Schwartz, Elma
Sutherland, Ken



CIVIL SERVICE COMMISSION

El Paso, TX 79901-1196
Telephone 541-4216
Fax 541-4220

TO: Michele Locke
Assistant City Attorney

FROM: Rosy Buenning *LC for RB*
Civil Service Commission Recorder

SUBJECT: Appeal of Suspension - Requesting Arbitration

DATE: July 23, 2004

I have enclosed a copy of the appeal letter for the following case where the appellant has elected to have his appeal heard by arbitration:

Goroeoff, Martina - Police - Suspension - #CP04-076

This appeal was filed on by Gerald Cichon, Attorney representing the El Paso Municipal Police Officers Association, on behalf of Police Officer Martina Goroeoff. The Notice of Suspension was dated and received by Officer Goroeoff on June 25, 2004. This appeal was timely filed.

Please send me a copy of the decision reached in this appeal for the employee's personnel file.

Attachment

cc: Employee's Representative - Gerald Cichon
Dept. Head - Richard Wiles, Chief of Police
Lt. Lisa Gailey, Office of Professional Responsibility - Police
Employee Personnel File



CLEAT LEGAL SERVICES

"Strength in Numbers"

6A

PLEASE RESPOND TO
THE OFFICE CHECKED

July 13, 2004

☐ Administration Office
400 W. 14th St., Suite 200
Austin, TX 78701
512/495-9111
512/495-9301 FAX
800/252-8153 WATS

☐ North Texas Office
904 Collier, Suite 100
Fort Worth, TX 76102
817/882-9548
817/882-9586 FAX
800/825-3281 WATS

☐ South Texas Office
1939 N.E. Loop 410 #210
San Antonio, TX 78217
210/826-1899
210/826-2299 FAX
800/752-5328 WATS

☐ East Texas Office
15603 Kuykendahl Rd, #390
Houston, TX 77090
281/880-5252
281/880-9998 FAX
800/422-5328 WATS

☒ West Texas Office
747 E. San Antonio, #103
El Paso, TX 79901
915/533-4924
915/533-5117 FAX
800/328-9940

☐ Coastal Bend Office
3122 Leopard St.
Corpus Christi, TX 78408
512/883-3224
512/883-5759 FAX
888/272-5328

☐ Northeast Texas Office
2427 Baker Dr., Suite D
Mesquite, TX 75150
972/686-5220
972/686-3350 FAX

☐ Golden Triangle Office
118 11th Street
Nederland, TX 77627
409/721-6599

☐ Arlington Office
1801 West Park Row
Arlington, TX 76013
817/792-3534

AFFILIATED:

N.A.P.O.
CWA Local 6911

website: www.cleat.org

**Via Facsimile 541-4220 and
Via Certified Mail, Return Receipt Requested**

**Ms. Terry Bond
Civil Service Commission Secretary
#2 Civic Center Plaza, 3rd Floor
El Paso, Texas 79901**

**RE: Appeal of Notice of Suspension - 16-Hours
Administrative Case #CP04-076
Police Officer Martina Goroeoff**

RECEIVED

JUL 16 2004

HUMAN RESOURCES DEPT.
ADMINISTRATION

04-ARB-09

Dear Ms. Bond,

Please take note that Police Officer Martina Goroeoff and the El Paso Municipal Police Officers Association (EPMPOA) through the undersigned CLEAT attorney, hereby gives notice of appeal from adverse action taken against Officer Goroeoff by the City of El Paso, which adverse action is evidenced by Notice of Suspension dated June 17, 2004, and signed by Officer Goroeoff on June 25, 2004. Officer Martina Goroeoff denies each and every specification of fact set forth against her and contends that the adverse action taken against her is excessive and in violation of Section 6.13 of the Charter of the City of El Paso.

Pursuant to the provisions of Article XXI, Section 1 of the Articles of Agreement between the City of El Paso and the El Paso Municipal Police Officers Association, the election is made to have the appeal heard before an independent arbitrator.

Thank you for your courtesies in this matter. If you have any questions, please do not hesitate to contact my office.

Very truly yours,

Gerald Cichon
Staff Attorney

GC/mgr

cc: Interim Chief Richard Wiles, El Paso Police Department
Michele Little Locke, Assistant City Attorney
Randy Rodriguez, EPMPOA Disciplinary Committee Chair
Martina Goroeoff, Appellant

**INTERNAL AFFAIRS DIVISION
SUSPENSION LOG
CASE NO. CP04-076
Officer Martina Goroeoff #1817**

[illegible]

Clark, Darryn G

From: Cubillos, Rosalia
Sent: Wednesday, January 18, 2006 2:35 PM
To: Clark, Darryn G
Cc: Cubillos, Rosalia; Spalloni, Marco; Valenzuela, Lucille
Subject: Martina Goreeff Arbitration Hearing (CP04-076) on 1/26/06 at 9am
Importance: High

Darryn:

Just a head's up....Martina Elsondo's (Goreeff's) arbitration hearing has been scheduled for January 26, 2006 at 9am, at Reed Leverton's office (300 E. Main St., 10th floor). Please anticipate having to be IAD's representative/runner for Asst. City Atty. John Batoon on that date. Report no later than 8:30 am. I would highly recommend that you check out the place beforehand to ascertain what the parking arrangements are like. If you have any questions, please feel free to ask them of me...hopefully I will have answers.

Sgt. Cubillos



COMBINED LAW ENFORCEMENT ASSOCIATIONS OF TEXAS

A GREATER FORCE OF LAW ENFORCEMENT PROFESSIONALS

PLEASE RESPOND TO
THE OFFICE CHECKED

January 19, 2006

☐ Administration Office
400 W. 14th St., Suite 200
Austin, TX 78701
512/495-9111
512/495-9301 FAX
800/252-8153 WATS

Via Facsimile only - 541-4190

☐ North Texas Office
904 Collier
Fort Worth, TX 76102
817/882-9548
817/882-9586 FAX
800/825-3281 WATS

Mr. John Batton
Assistant City Attorney
#2 Civic Center Plaza, 9th Floor
El Paso, Texas 79901

☐ South Texas Office
1939 N.E. Loop 410, Suite 210
San Antonio, TX 78217
210/826-1899
210/826-2299 FAX
800/752-5328 WATS

RE: Witness List for Police Officer Martina Goroceoff Arbitration
Administrative Case # CP04-076

Dear John:

☐ East Texas Office
14405 Walters Rd., Suite 300
Houston, TX 77014
281/880-5252
281/880-9998 FAX
800/422-5328 WATS

The following individuals may be called as witnesses at the disciplinary hearing for Officer Martina Goroceoff scheduled for January 26, 2006, at 9:00 a.m., at the Alternative Dispute Resolution Services, 300 East Main, Suite 1240, in downtown El Paso:

☒ West Texas Office
747 E. San Antonio, Suite 103
El Paso, TX 79901
915/533-4924
915/533-5117 FAX

1. Officer Martina Goroceoff-Elizalde, #1817
2. Officer Robert Gomez, #1884
3. Officer Mitch Brannon, #1304
4. Deputy Chief Greg Allen

☐ Coastal Bend Office
3122 Leopard St.
Corpus Christi, TX 78408
361/883-3224
361/883-5759 FAX

☐ Northeast Texas Office
2427 Baker Dr., Suite D
Mesquite, TX 75150
972/686-6220
972/686-3350 FAX

☐ Golden Triangle Office
118 11th Street
Nederland, TX 77627
409/721-6599

☐ Arlington Office
1801 West Park Row
Arlington, TX 76013
817/792-3534

Sincerely,

Gerald W. Cichon
Staff Attorney

/mgr

Cc:

Dimm, Stanley

From: Dimm, Stanley
Sent: Friday, August 20, 2004 9:54 AM
To: Wiles, Richard D.; Norman, David; Terrazas, Jonathan; Spalloni, Marco
Cc: Mercado, Sylvia; Lozada, Dorothy G.; Dimm, Stanley
Subject: Administrative Hearing - Ofc. M. Goroeoff - October 20, 2004

Good morning!

Both City & CLEAT advise an administrative hearing reference CP04-076 (Martina Goroeoff) has been scheduled for **October 20, 2004**.

No witness lists have been provided by either side.

Thank you.

Ofc. S. F. Dimm, 1783
IAD - 544-7633

COMMISSIONERS:

Berube, Paul
Ellis, William J.
Graham, Elijah
Harris, Alvin L. Sr.
Martinez, Ramy
Peña, Andrew M.
Ruck, Lance E.
Schwartz, Elma
Sutherland, Ken



VAD - file
CIVIL SERVICE COMMISSION

El Paso, TX 79901-1196
Telephone 541-4216
Fax 541-4220

TO: Michele Locke
Assistant City Attorney
FROM: Rosy Buening *LE for RB*
Civil Service Commission Recorder
SUBJECT: Appeal of Suspension - Requesting Arbitration
DATE: July 23, 2004

RECEIVED
JUL 23 2004
OFFICE OF
THE CHIEF OF POLICE

I have enclosed a copy of the appeal letter for the following case where the appellant has elected to have his appeal heard by arbitration:

Goroeoff, Martina - Police - Suspension - #CP04-076

This appeal was filed on by Gerald Cichon, Attorney representing the El Paso Municipal Police Officers Association, on behalf of Police Officer **Martina Goroeoff**. The Notice of Suspension was dated and received by Officer Goroeoff on **June 25, 2004**. This appeal was timely filed.

Please send me a copy of the decision reached in this appeal for the employee's personnel file.

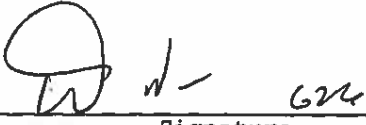
Attachment

cc: Employee's Representative - Gerald Cichon
Dept. Head - Richard Wiles, Chief of Police
Lt. Lisa Gailey, Office of Professional Responsibility - Police
Employee Personnel File

EL PASO POLICE DEPARTMENT
SPECIFICATION REVIEW LOG

Case : CP04-076
Employee : MARTINA GOROEFF #1817
Disposition : SIXTEEN 16 HOUR SUSPENSION

The attached suspension specifications have been reviewed by:

IAD Commander:  6/18/04
Signature Date

IAD Attorney :  6-14-04
Signature Date

CLEAT

Combined Law Enforcement Associations of Texas West Texas Regional Office

747 East San Antonio, Suite 103

El Paso, TX 79901

Phone: (915) 533-4924 / Fax: (915) 533-5117

Texas WATS: (800) 328-9940

TO: Lt. Spalloni
Internal Affairs

FROM: Gerald Cichon

FAX NO.: 544-5320

DATE: January 25, 2006

RE: Witness List – Officer Martina Goroceoff-Elizalde Arbitration

NO. OF PAGES INCLUDING THIS COVER SHEET: 2

MESSAGE:

CONFIDENTIALITY NOTICE: The documents accompanying this facsimile transmission contain confidential information that is legally privileged. The information is intended only for the use of the recipient named above. If you have received this facsimile in error, please immediately notify us by telephone to arrange for the return of the original documents to us. You are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of the information contained in this facsimile is strictly prohibited.

*Received
01/25/06
1105 hrs.
JSC*

EXHIBIT B
18-1026-9961

Total Number of Redactions: 10

By Exemption:

"Section 552.101" (Section 552.101): 2 instances

"Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 8 instances

By Page:

Page 7 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 8 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 9 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 10 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 11 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 12 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 13 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 14 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 46 - "Section 552.101" (Section 552.101): 1 instance

Page 49 - "Section 552.101" (Section 552.101): 1 instance